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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,803	05/22/2001	Bernhard Kern	1625	1185
7590	04.03/2003			
STRIKER, STRIKER & STENBY 103 East Neck Road Huntington, NY 11743			EXAMINER	LIN, KUANG Y
			ART UNIT	PAPER NUMBER
			1725	13
DATE MAILED: 04/03/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

mk-13

Office Action Summary	Application No.	Applicant(s)
	09/862,803	KERN, BERNHARD
	Examiner Kuang Y. Lin	Art Unit 1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 March 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 8-15 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) Interview Summary (PTO-413) Paper No(s). _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

1. New corrected drawings are required in this application because in figures 1-3, there are no shaded line for casting mold (tool device) 19, liquid metal 16 and thermal insulation 6, and in figures 2-3, the language is not in English. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.
2. Applicant in response to the restriction requirement by electing Invention Group I, claims 1-7 with traverse. Applicant stated that the newly submitted claim 15 is substantially similar to claim 1. He further stated that this application is a US national phase application based on the original PCT application. Then he concluded that the method and apparatus claims shall be examined together. However, as stated in the previous office action, the apparatus of Invention Group II can be used for heating different metal to a different temperature other than that recited in Invention Group I. Further, the applicant failed to provide any evidence that this application is a US national phase application based on the original PCT application. Accordingly, the restriction requirement is hereby made Final. Claims 8-15 stand withdrawn from further consideration.
3. The specification is objected to in that the term "rigidification" shall be "solidification" as conventionally used. The specification is further objected to in that in page 7, 3rd from the bottom, reference numeral "10" shall be "2". Page 8, 5th and 7th lines from the bottom, "18" shall be "8". In page 9, first three lines, the meaning of

"protective gas post-dosing"10, for example, a protecting gas envelope" and "valve lock", respectively, is not clear. In page 9, line 7, "20" shall be "2". In page 10, line 5, the meaning of "the required heat difference" is not clear. Does applicant means "temperature difference" ? In line 9, what is "blow storage" ? Applicant is required to correct these and other errors which might occur throughout the specification.

4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 5, and 7, "rigidification" shall be "solidification". In claim 1, line 6, it is not clear what structural arrangement is claimed. In claim 9, what "tool" is referred to ? in claim 2, it is not clear what is claimed. Also, there is a lack of antecedent in the specification for the claimed feature. In claim 3, the meaning of "rigid light metal" is not clear. Also, it is not clear how the metal is supplied through a sluice device and where the antecedent basis in the specification for the claimed feature. In claim 5, how the metal can be solidified by a movement of a tool device ? In claim 6, the meaning of "protective gas post-dosing" is not clear. In claim 7, it is not clear what is claimed and where the antecedent basis in the specification for the claimed feature is.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuang Y. Lin whose telephone number is 703-308-2322. The examiner can normally be reached on Monday-Friday, 10:00-6:30.,.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas X Dunn can be reached on 703-308-3318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

KUANG Y. LIN
EXAMINER
GROUP 320

1725

6. Claims 1-7 insofar as definite are rejected under 35 U.S.C. 103(a) as being unpatentable over DE-44 31 865 and further in view of either Jorn et al, Blum et al, Muller or JP 63-268,559.

DE '865 substantially shows the invention as claimed except that it does not show to provide heating means at the lower end of the molten metal dosing chamber. However, each of the secondary references shows to provide heating means at the lower end of the molten metal dosing chamber such that to ensure free flow of the molten metal from the dosing chamber into the casting mold. It would have been obvious to provide the heating means of the secondary references in the casting apparatus of DE '865 such that to facilitate the molten metal dispensing process.

7. The patents to Nagan et al, Cook, and Hugo et al are cited to further show the state of the art.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuang Y. Lin whose telephone number is 703-308-2322. The examiner can normally be reached on Monday-Friday, 10:00-6:30,.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas X Dunn can be reached on 703-308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Application/Control Number: 09/862,803
Art Unit: 1725

Page 5

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

March 31, 2003

KUANG Y. LIN
EXAMINER
GROUP 320

1725